

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MELANIE M. RITCHIE,

Plaintiff,

19 **CIVIL** 1378 (DF)

-against-

**JUDGMENT**

ANDREW M. SAUL,<sup>1</sup>  
Commissioner of Social Security,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons set forth in the Court's Memorandum and Order dated September 29, 2020, Plaintiff's motion for judgment on the pleadings (Dkt. 17) is granted, and Defendant's cross-motion for judgment on the pleadings (Dkt. 20) is denied. This case is hereby remanded for further proceedings, pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the ALJ is directed as follows:

- (1) to develop the Record by
  - (a) seeking clarification from Dr. Booker regarding the basis of his opinion regarding Plaintiff's functional limitations; 48
  - (b) obtaining the complete medical records of any medical source who evaluated or treated Plaintiff for her back condition after she underwent the procedure for the permanent implantation of a spinal cord stimulator ("SCS"); and
  - (c) soliciting a medical source statement, including a function-by-function assessment of Plaintiff's exertional abilities, from one of Plaintiff's treating physicians or, if necessary, a consultative examiner, for the period after the permanent implantation of the SCS device;
- (2) upon development of the Record, to reweigh the medical

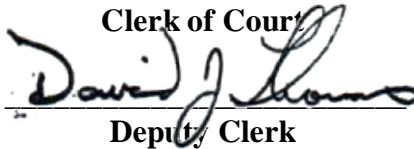
opinion evidence, to reevaluate Plaintiff's subjective complaints of pain and regarding the extent of her functional impairments; and to reassess Plaintiff's RFC; and

- (3) to the extent the ALJ revises Plaintiff's RFC by adding further limitations, to recall the VE, if necessary, for additional testimony regarding the availability of jobs that could be performed by a person with those limitations.

Judgment is entered in Plaintiff's favor.

**Dated:** New York, New York  
September 30, 2020

**RUBY J. KRAJICK**

BY:   
Clerk of Court  
Deputy Clerk